

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Crl.M. No.18272-M of 2007

Date of decision: 28.3.2007

Manjit Singh and others.

....Petitioners.

Versus

State of Punjab.

...Respondent.

Present:- Mr.D.S.Pheruman, Advocate
for the petitioner.

Mr.G.S. Bhandari, DAG Punjab.

Mr.Kuldeep Sanwal, Advocate
for the complainant.

S.S.SARON, J.(ORAL)

Heard counsel for the parties.

The petitioners seek pre-arrest bail in case FIR No.42 dated 9.3.2007 registered at P.S.Sadar, Gurdaspur, for the offences under Sections 452,332,353,186, 148 and 149 IPC. The allegations against the petitioners are that they assaulted the complainant who is stated to be the incharge of Subsidiary Health Centre, Ale-Chak.

Learned counsel for the petitioners has contended that in fact the complainant-lady doctor has been engaged by the Zila Parishad and is not a public servant and, therefore, offence under Section 353 IPC cannot be said to be made out. Besides, it is contended that a false story has been made and in fact no such occurrence took place.

In response, learned counsel for the State and the complainant have opposed the grant of pre-arrest bail and have submitted that the petitioners do not deserve the concession of pre-arrest bail as they have physically assaulted a lady doctor who is working in the Subsidiary Health Centre, Ale Chak. In case pre-arrest bail is allowed the other lady doctors will not work in the rural areas.

I have given my thoughtful consideration to the contentions of the learned counsel for the parties.

It is appropriate to note that in the FIR, Manjit Singh, Petitioner No.1 is alleged to have given a blow with his 'kara' on the left eye brow of the complainant which also hit her breast. The medical report shows that an incised wound is present over the lateral side of the left eye brow of the complainant. Fresh bleeding was present. The nature of the injury has been described to be sharp. Learned counsel for the petitioner has contended that an injury received on the hard surface of the body though may be simple in nature yet it gives the appearance of an incised injury caused by a sharp edged weapon because the skin above the hard surface can break with a blow. In my view, this aspect is to be gone into at the stage of trial. However, it remains a fact that Manjit Singh (petitioner No.1) is attributed to have caused an injury on the person of the complainant. Therefore, he is not entitled to the concession of pre-arrest bail.

Insofar as the other two accused-Balwinder Kaur (petitioner-2) and Saranjit Singh, ex-Sarpanch (petitioner-3) are concerned, they are said to have abused the complainant. Petitioner No.2 is also alleged to have given a slap. However, no specific role has been assigned to them. Besides, petitioner No.2 is herself a lady. Petitioner No.3 is an ex-sarpanch and is 84 years old. In the circumstances, in my view, they are entitled to the benefit

of Section 437 Cr.P.C. in the facts and circumstances of the case.

Keeping in view the aforesaid position, the pre-arrest bail of Manjit Singh, petitioner No.1 is declined. However, petitioner No.2 and 3, in the event of their arrest, shall be admitted to bail on their furnishing personal bond and surety each in the like amount each to the satisfaction of the arresting/investigating officer. They shall join investigation as and when called and shall abide by the provisions of Section 438 Cr.P.C.

It is stated that petitioner No.1 is a govt official and in case of his arrest, he would be placed under suspension. In the circumstances, in case he surrenders before the police within two days from today and applies for regular bail, his application for regular bail shall be considered and disposed of by the competent Court within two days.

This petition stands disposed of in the above terms.

March 28,2007
ASR

(S.S.SARON)
JUDGE